

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.07.2020

CORAM

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No. 9469 of 2020
and
WMP No.11573 of 2020

M.Ramprakash

... Petitioner

vs

The Superintending Engineer,
Rural Road,
Department of High Ways,
Near National Building,
Salem 7,
Salem District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of mandamus to direct the respondent to register the petitioner's solvency certificate as Class-1 Contractor in the Highways Department of Salem District based on his application dated 14.02.2020 forthwith and permit him to participate in the tenders and its public action of the respondent department.

For Petitioner : Mr.M.R.Jothimanian

For Respondent : Mr.R.Govindasamy
Special Government Pleader

सत्यमेव जयते
O R D E R

This matter is taken up for hearing through Video Conferencing mode.

2. Mr.R.Govindasamy, learned Special Government Pleader takes notice for the respondent. By consent, the writ petition is taken up for final disposal at the stage of admission itself.

3. The petitioner seeks for a mandamus directing the respondent to register his Solvency Certificate as Class-I Contractor in the Highways Department of Salem District based on his application dated 14.02.2020.

4. Heard both sides.

5. It is stated that the petitioner is a B.E., Civil Engineering Graduate and he obtained Solvency Certificate from the Revenue Authorities so as to submit the same before the respondent for registering himself as Class-I Contractor. It is further stated that he filed application on 14.02.2020 before the respondent for registering him as Class-I Contractor based on the Solvency Certificate dated 29.11.2017. The grievance of the petitioner is that despite repeated request made, the respondent is not registering the petitioner as Class-I Contractor based on the said Solvency Certificate.

6. Learned Special Government Pleader appearing for the respondent, on the other hand, submitted that what was submitted by the petitioner is only in a letter format, whereas there is a prescribed form available for registering as a Class-I Contractor. Therefore, without submitting such prescribed form, the petitioner has approached this Court and filed the present writ petition. Therefore, he contended that based on the said letter dated 14.02.2020, his request cannot be considered.

7. Mr. M. R. Jothimanian, learned counsel for the petitioner submitted that the petitioner approached the respondent and however, the said prescribed form was not furnished. Needless to state that if the petitioner wants to register himself as Class-I Contractor with the respondent Department, it has to be submitted only in the prescribed form and not in a letter format. Therefore, it is open to the petitioner to approach the respondent and seek for such form and if such request is made, the respondent shall give such form to the petitioner. Likewise, the petitioner is given liberty to submit such prescribed form before the respondent with necessary enclosures and once such prescribed form with necessary enclosures are submitted, the respondent shall consider the same and pass orders on merits and in accordance with law within a period of eight weeks from the date of receipt of such prescribed form.

8. With the above directions and observations, this writ petition is disposed of accordingly. No costs. The connected miscellaneous petition is closed.

-s/d-
Assistant Registrar

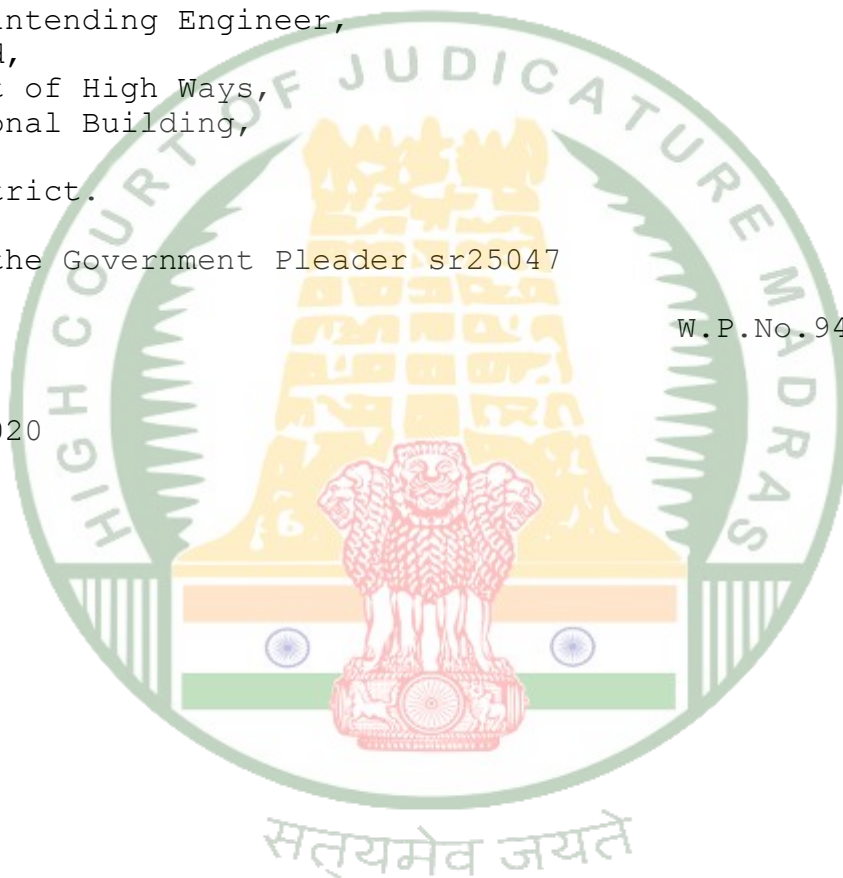
True Copy
Sub-Assistant Registrar

To
The Superintending Engineer,
Rural Road,
Department of High Ways,
Near National Building,
Salem 7,
Salem District.

+1 cc to the Government Pleader sr25047

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